

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER McCLOUD,

Plaintiff,

v.

9:07-CV-0650

C. TUREGLIO, Correctional Officer,  
Greene Correctional Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

CHRISTOPHER McCLOUD, 06-R-5154  
Wallkill Correctional Facility  
Box G  
Wallkill, NY 12589  
Plaintiff, *Pro Se*

HON. ANDREW M. CUOMO  
Attorney General for the State of New York  
The Capitol  
New York, NY 12224  
Counsel for Defendant

CHARLES J. QUACKENBUSH, ESQ.  
Assistant Attorney General

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 17<sup>th</sup> day of March 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

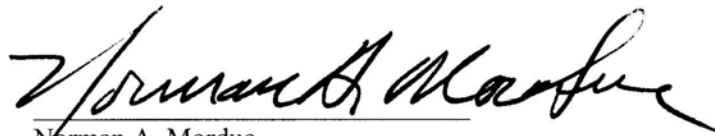
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Defendant's motion to dismiss for failure to state a claim (Dkt. No. 11)<sup>1</sup> is granted.
3. The Court certifies that any appeal of this order would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).
4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: April 15, 2008  
Syracuse, New York



Norman A. Mordue  
Chief United States District Court Judge

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<sup>1</sup> The Magistrate Judge's Report-Recommendation inadvertently refers to Defendant's motion to dismiss as Dkt. No. 42 on page 35. The correct Dkt. No. is 11 as referred to throughout the Report-Recommendation.